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5 Attorneys for United States of America

6 **IN THE UNITED STATES DISTRICT COURT FOR THE**

7 **NORTHERN DISTRICT OF CALIFORNIA**

8 **SAN FRANCISCO DIVISION**

9 **UNITED STATES OF AMERICA and**

10 **MARK CLAYBROOKS, Revenue Officer,**

) **No. C-07-5844-EDL**

11 **Petitioners,**

12 **v.**

13 **MICHAEL FAGAN,**

) **REQUEST FOR DISMISSAL**
AND ORDER THEREON

14 **Respondent.**

15 On January 7, 2008, the Court entered its Order to Show Cause Re: Enforcement of
16 Internal Revenue Service Summons and the order was served on the respondent.

17 Respondent's counsel has informed the United States that he has obtained records in
18 compliance with the summons and will produce those records to the IRS.

19 Because Respondent's counsel has gathered summonsed records and will produce them to
20 the IRS, the United States of America asks that this matter be dismissed.

21 Respectfully submitted,

22 JOSEPH P. RUSSONIELLO
United States Attorney

23 /s/ Thomas Moore
24 THOMAS MOORE
25 Assistant United States Attorney
Tax Division

26 **IT IS SO ORDERED.**

27 **ORDERED** this ____ day of January, 2008 at San Francisco, California.

28 **UNITED STATES MAGISTRATE JUDGE**

1 **CERTIFICATE OF SERVICE**

2 I, **KATHY TAT** declare:

3 That I am a citizen of the United States of America and employed in San Francisco County,
4 California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue,
5 Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a
6 party to the above-entitled action.

7 I am employed by the United States Attorney for the Northern District of California and
8 discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of
9 the following:

10 **REQUEST FOR DISMISSAL AND ORDER THEREON**

11 to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed
envelope, and served as follows:

12 **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the
13 designated area for outgoing U.S. mail in accordance with this office's practice.

14 **PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)**

15 **FACSIMILE (FAX) No.:** _____

16 to the parties addressed as follows:

17 Michael Fagan
1608 Dupree Way
18 Brentwood, CA 94513

19 I declare under penalty of perjury under the laws of the United States that the foregoing is true
20 and correct.

22 Executed on **February 28, 2008** at San Francisco, California.

24 _____ /s/ Kathy Tat

25 **KATHY TAT**
26 **Legal Assistant**